IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 22982 of 2007(J)

AGAINST THE ORDER IN EP.683/2004 IN OS.1138/1998 of PRL.MUNSIFF COURT,THRISSUR
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PETITIONER:

SHAJAN MATHEW, S/O. CHUNKATH MATHEW, ADVOCATE CLERK, AYYANTHOLE, THRISSUR-3.

BY ADV. SRI.V.M.SYAM KUMAR

RESPONDENT:

THE CATHOLIC SYRIAN BANK LTD., THRISSUR REP. BY MANAGER, KUTTANELLUR BRANCH.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.22982 OF 2007

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Dated this the 26th day of July, 2007

JUDGMENT

This writ petition is filed to quash Ext.P7 order. Learned counsel for the petitioner submits about the pathetic condition of his client and prays for indulgence and further submits that if some breathing time is given, the judgment debtor will be able to save his property and at the same time earnest effort will be made to wipe off the entire liability.

2. The decree holder is a scheduled bank and I am certain that their interest is only to get the amount ordered and not the property. Therefore I am inclined to grant some time to the judgment debtor to wipe off the entire liability. Therefore the writ petition is disposed of as follows: The petitioner is directed to make the payment of the entire liability in 5 equal monthly instalments commencing from 4.9.2007 and in case of default of any one of the instalments, the decree holder shall be at liberty to proceed with the sale of the property on the very same proclamation and it shall be taken that the judgment debtor has waived his right to have a proclamation because time is granted at his instance. The court below is therefore

directed to defer the sale in the light of this judgment.

M.N.KRISHNAN, JUDGE

Cdp/-